

Appln No. 10/602,796
Amdt date September 12, 2007
Reply to Office action of March 12, 2007

REMARKS/ARGUMENTS

The above amendments and these remarks are in response to the Office action mailed on March 12, 2007. Claims 6 and 29 have been amended for clarity. Claims 31-34 have been added and are directed to subject matter disclosed in the application as originally filed. No new matter has been added. Claims 6-15, 19, 29 and 31-34 are now pending in this application. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

The Examiner rejected claims 6-15, 19, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over Aschenbeck, U.S. Patent No. 4,693,357 in view of Pepiciello, further in view of Wenner, U.S. Patent No. 4,591,042 and still further in view of Dobbins, U.S. Patent No. 6,929,110. According to the Examiner, Aschenbeck discloses all the features of the claims with the following exceptions. Aschenbeck, according to the Examiner, does not disclose an actuator that releases a product from the vending machine. For that feature, the Examiner relied on Pepiciello. Furthermore, according to the Examiner, Aschenbeck does not disclose a contoured coin channel. However, the Examiner has relied on Wenner for disclosing such a feature. Moreover, according to the Examiner, Aschenbeck does not disclose a contoured channel which is moveably connected to a support member by pins. For this feature, the Examiner has relied on Dobbins.

Claim 6 is directed to a coin mechanism which includes a support member and a channel member which is moveably connected to the support member. According to the claim, "the channel member is configured to define a coin slot along with the support member . . . ". Aschenbeck discloses a multiple chute coin mechanism. The alleged channel of Aschenbeck relied on by the Examiner is not formed by a support member and a channel member which is moveably connected to the support member as required by claim 6. Furthermore, claim 6 requires an actuation member "wherein when actuated said actuation member is configured to protrude through the actuator opening in the support member and transmit an actuation force from the user onto the coin to press the at least one coin disposed in the desired location against the channel member to pivotally displace the channel member relative to the support member; . .

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.". In FIGS. 3 and 4 relied by the Examiner, Aschenbeck discloses an arm 28 that pivots a gate 22 when a coin is in a first chute and aligns with the gate 22 with a second chute. Neither Aschenbeck nor Pepiciello nor Wenner nor Dobbins appear to disclose, teach or suggest an actuation member which transmits an actuation force onto "the coin to press the at least one coin disposed in the desired location against the channel member to pivotally displace the channel member relative to the support member; . . ." which channel member, together with the support member, define the coin slot. Therefore, the combination of these references cannot render claim 6 obvious.

Claims 7-15 and 31 are directly or indirectly dependent from claim 6. As such, Applicant submits that these claims are also not rendered obvious by Aschenbeck, Pepiciello, Wenner or Dobbins, either alone or in combination, as being dependent from a claim allowable over these references and for the additional limitations that these claims contain therein. For example, claim 31 requires that "said actuator member when actuated is configured to protrude through said actuator opening in the support member and to penetrate said actuator opening in the channel member when the coin is not at the desired location." This feature also does not appear to be disclosed by any of the four cited references.

Claim 19 requires a support member and a channel member rotatably connected to the support member. The claim requires that the channel member has a channel formed thereon and that the channel is configured to define a coin slot when the channel member is in contact with the support member. The claim requires that the coin slot is configured to receive and guide the at least one coin to a desired location. The claim further requires an actuation member configured to protrude through an actuator opening in the support member and transmit an actuation force from the user onto the coin to press the at least one coin disposed in the desired location against the channel member to pivotally displace the channel member relative to the support member. The claim also requires that "the actuation member is further configured to protrude through the actuator opening formed on the channel member when the actuator is depressed by the user without the at least one coin disposed in the desired location, preventing the selected product from being dispensed, . . . ". As discussed, Aschenbeck does not disclose a

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coin slot which is formed when a support member and a channel member are in contact with each other. Rather, Aschenbeck discloses individual chutes. Furthermore, as discussed, neither Aschenbeck, nor Pepiciello, nor Wenner, nor Dobbins appears to disclose, teach or suggest an actuator which when actuated, transmits an actuation force to a coin dispensed in a desired location to press it against the channel member to pivotally displace the channel member relative to the support member. In fact, neither reference appears to disclose a coin which when pressed against a channel member, causes the channel member to displace relative to the support member. Furthermore, neither of the references appears to disclose an opening in the channel member which is protruded by the actuation member when a coin is not in the desired location. If a feature is not disclosed by either of the cited references, then the combination of the cited references also cannot disclose such feature. Consequently, for either of the aforementioned reasons, Applicant submits that Aschenbeck, Pepiciello, Wenner or Dobbins, alone or in combination, do not render claim 19 obvious.

According to the Examiner, it is inherent that an actuator or the equivalent, either depressed by the user or inherently actuated, would cause a mechanism to move to engage said coin blocking the actuator opening/aperture, since the system and mechanism of Aschenbeck would work substantially similar to Applicant's device, regardless of whether a manual or an automatic actuator is used. Applicant respectfully disagrees. As discussed, Aschenbeck discloses a mechanism for pivoting a gate between two chutes that appear to be able to pivot relative to each other. Claim 6 and 19, however, require two members that are pivotally connected so as to define a coin slot when in contact with each other, and which are pivotally displaced relative to each other by an actuation member which transmits an actuation force to a coin which presses one of the members to pivotally displace against the other. This feature is not disclosed, taught or suggested by Aschenbeck. There is no similarity in the structure or in the operation of the structure claimed by claim 6 or by claim 19 to that disclosed by Aschenbeck.

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The Examiner rejected claims 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over Henry, U.S. Patent No. 2,348,434 in view of Glaser, U.S. Patent No. 5,915,519 and further in view of Flicken, U.S. Patent No. 4,823,984. Claim 29 requires "an actuator configured to be actuated by a user and to transmit a force onto said coin at least partially obstructing the opening to press the coin against the channel so as to pivotally displace the channel about an axis thereof . . . ". According to the Examiner, Glaser discloses displacing a coin chute by rotating the knob to push the plate up and down. Consequently, according to the Examiner, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have caused Henry's coin channel to pivot in a width-wise direction for the purpose of removing obstructing items, as taught by Glaser at column 2, lines 1-14.

Glaser discloses a coin chute having a back plate 24. When a coin or other object is lodged in the chute, the operator rotates a knob 28 which in turn rotates a cam 74 to allow a plate 70 which supports the back plate 14 to drop. When that happens, the back plate 14 swings outward due to gravity as described on column 4, lines 24-32. When the object does not fall freely, then a kicker may be used which pushes the coin outward, as shown in FIG. 4 and described on column 4, lines 34-37. Neither Glaser nor Henry, nor Flicken appear to disclose, teach or suggest an actuator which transmits a force to a coin which presses the coin against a channel to transmit a force to the channel to pivotally displace the channel. If the Examiner has considered the back plate 24 to be a channel, that back plate 24 does not displace due to a force applied to a coin, but rather displaces due to gravity when plate 70 drops downward. As such, neither Henry nor Glaser, nor Flicken appear to disclose, teach or suggest this feature required by claim 29. Consequently, the combination of Henry, Glaser and Flicken cannot render claim 29 obvious.

Claim 30 is dependent from claim 29. As such, Applicant submits that claim 30 is also allowable over Henry in view of Glaser and in view of Flicken as being dependent from a claim allowable over Henry in view of Glaser and in view of Flicken and for the additional limitations that claim 30 contains therein.

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The Examiner's argument in relation to claim 29 that it would have been obvious to one of ordinary skill in the art to have caused Henry's coin channel to pivot in a width-wise direction for the purpose of removing obstructed items is improper. Claim 29 claims a specific mechanism for causing the channel to pivotally displace. A prior art reference that merely shows the displacement of an alleged channel member, but does not disclose, teach or suggest the mechanism claimed, is not sufficient for anticipating or rendering such a claimed mechanism obvious. Under the Examiner's argument, a structure that is different from a prior art structure but which performs the same function as the prior art structure will never be patentable. Such a finding is contrary to current U.S. patent law. Consequently, the premise of the Examiner's argument is faulty.

Claim 32 has been added and is directed to subject matter disclosed in the application as originally filed. No new matter has been added. Claim 32 requires "an actuator comprising a portion for penetrating said opening, wherein when said coin at least partially obstructs said opening, actuation of said actuator will transmit a force to said coin which will cause the second plate to pivot relative to the first plate to the second position." As discussed, neither of the cited references appear to disclose an actuator which pushes on a coin for displacing one member relative to the other, as required by claim 32.

The rejections to all claims pending in this application are believed to have been overcome and this application is now believed to be in condition for allowance. Should the Examiner have any remaining questions or concerns about the allowability of this application, the Examiner is kindly requested to call the undersigned attorney to discuss them.

Respectfully submitted,
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